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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELENA DEL CAMPO, ET AL.,)

Plaintiffs,)

v.)

AMERICAN CORRECTIVE)
COUNSELING SERVICES, INC., ET AL.,)

Defendants.)
_____)

Case No.: C 01-21151 JW (PVT)

**ORDER DENYING PLAINTIFFS'
MOTION TO SHORTEN TIME**

[Docket No. 915]

Plaintiffs Elena Del Campo, Lois Artz, Lisa Johnston and Ashorina Medina move to shorten time on their motion to compel non-party Caprock Group, Inc. to produce documents. (collectively “plaintiffs”). Non-party Caprock Group, Inc. opposes the motion. (“CGI”). Having reviewed the papers and considered the arguments of counsel,

IT IS HEREBY ORDERED that plaintiffs’ motion to shorten time is denied.¹

Plaintiffs state that the joint pretrial statement is due on October 4, 2010 and the documents sought from non-party CGI may be “critical to [their] ability to obtain and use the documents sought in the subpoena.” Mot. at 2. Specifically, plaintiffs seek financial records related to defendants Don Mealing and Inc. Fundamentals. Mot. at 3. Plaintiffs request that their motion be heard on

¹ The holding of this court is limited to the facts and particular circumstances underlying the present motion.

September 14, 2010 rather than the noticed hearing date of September 21, 2010, or one week earlier.

Non-party CGI opposes the motion due to certain scheduling conflicts. The sole attorney for defendants Mealing and Hasney is scheduled to appear in San Bernadino Superior Court on an unrelated matter. He further requests that the motion to compel defendants Mealing and Hasney to supplement their discovery responses now scheduled to be heard on September 7, 2010 be joined with this motion so that both motions can be heard on September 21, 2010. Defendants' counsel seeks to avoid the additional expense that would be incurred in making two trips from southern California.

Civ. L.R. 6-3 states that a motion to enlarge or shorten time must:

- (1) Set forth with particularity the reasons for the requested enlargement or shortening of time;
- (2) Describe the efforts the party has made to obtain a stipulation to the time change;
- (3) Identify the substantial harm or prejudice that would occur if the Court did not change the time; and
- (4) If the motion is to shorten time for the Court to hear a motion:
 - (i) Describe the moving party's compliance with Civil L.R. 37-1(a), where applicable, and
 - (ii) Describe the nature of the underlying dispute that would be addressed in the motion and briefly summarize the position each party had taken.
- (5) Disclose all previous time modifications in the case, whether by stipulation or Court Order;
- (6) Describe the effect the requested time modification would have on the schedule for the case.

Civ. L.R. 6-3(a).

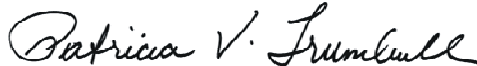
Plaintiffs have not identified the substantial harm or prejudice that would occur if the court did not change the time. Specifically, plaintiffs have not shown how documents from non-party CGI are critical to the joint pretrial statement. Accordingly, plaintiffs' motion to shorten time is denied. Additionally, both motions, including the motion to compel non-party CGI to produce documents and the motion to compel defendants Mealing and Hasney to supplement their discovery responses,

1 shall be heard on September 21, 2010 at 10AM.

2 Plaintiffs may file a reply brief in support of their motion to compel non-party CGI to
3 produce documents no later than September 7, 2010.

4 IT IS SO ORDERED.

5 Dated: August 25, 2010

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7 PATRICIA V. TRUMBULL
8 United States Magistrate Judge
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